

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

**CHARLES G. REGNIER**

Claimant

VS.

**ROADWAY EXPRESS, INC.**

Respondent

Self-Insured

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Docket No. 210,315

**ORDER**

Claimant requested review of the preliminary hearing order dated November 25, 1996, entered by Administrative Law Judge Robert H. Foerschler.

**ISSUES**

The Administrative Law Judge ordered payment of temporary total disability benefits and chose July 25, 1996, rather than the date of accident or date of application for preliminary hearing for the commencement date of those benefits. Claimant contends the Administrative Law Judge exceeded his jurisdiction and authority by selecting the date of the preliminary hearing, July 25, 1996, as the commencement date.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the entire record, for purposes of preliminary hearing the Appeals Board finds as follows:

At this juncture of the proceeding, the Appeals Board does not have the jurisdiction or the authority to review the preliminary hearing findings in question.

The issue of the appropriate date of commencement for temporary total disability benefits is not one of the issues designated by K.S.A. 44-534a as being subject to Appeals Board review from a preliminary hearing.

Because the Appeals Board finds that the Administrative Law Judge did not exceed his jurisdiction and authority, the Appeals Board likewise lacks the authority to review the matter under the provisions of K.S.A. 44-551. The Administrative Law Judge has the authority and jurisdiction at preliminary hearing to determine whether a physical or a psychological problem is related to a work-related accident as well as the authority to determine the date claimant has established he was rendered unable to work due to a condition arising from that accident. Both of those issues were presented to the Administrative Law Judge.

Based upon the above, claimant's request for Appeals Board review should be denied.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the claimant's request for review should be, and hereby is, dismissed and that the preliminary hearing order dated November 25, 1996, entered by Administrative Law Judge Robert H. Foerschler remains in full force and effect.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of January 1997.

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BOARD MEMBER

c: Robert W. Harris, Kansas City, KS  
Wade A. Dorothy, Lenexa, KS  
Robert H. Foerschler, Administrative Law Judge  
Philip S. Harness, Director